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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Barry et al.

Serial No. 10/622,201

Filed: July 18, 2003

For: GLYPHOSATE-TOLERANT 5-  
ENOLPYRUVYLSHIKIMATE-3-  
PHOSPHATE SYNTHASES

Atty. Dkt. No.: 11899.0175.REUS07

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants request that this Second Supplemental Information Disclosure Statement be entered and that the references listed on the attached PTO-1449 form be considered by the Examiner and made of record. A copy of each document listed on the PTO-1449 is enclosed.

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

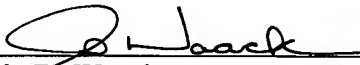
As mentioned in the Supplemental Information Disclosure Statement filed April 13, 2005, U.S. Patent No. 5,633,435, the patent upon which this reissue application is based, has been the subject of litigation, including Monsanto Co. v. Roush, 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division, filed May 10, 2000. Applicants provide the following additional documents from that litigation: Amended Answer,

Affirmative Defenses and Counterclaims, dated June 30, 2000 (C106); Amended Answer, Affirmative Defenses and Counterclaims, dated December 21, 2000 (C107); and Defendants' Supplemental Answers to Monsanto's Third Set of Interrogatories to Defendants, dated September 28, 2001 (C108). Applicants do not agree with Defendants' allegations in those documents. As mentioned previously, the Rousch case has settled and is no longer pending.

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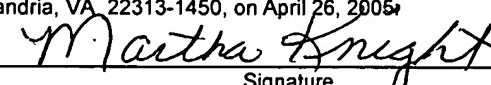
No fees are believed to be due in connection with the filing of this Second Supplemental Information Disclosure Statement. Should any fees be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 01-2508/11899.0175.REUS07.

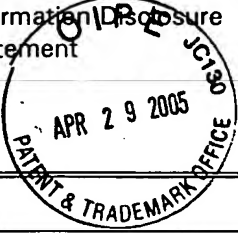
Date: April 26, 2005

  
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<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 26, 2005.</p> <p style="text-align: center;"> _____ Signature</p>
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Form PTO-1449 (Modified) List of Patents and Publications for Applicant's Information Disclosure Statement 	Atty Docket No.		Serial No.			
	11899.0175.REUS07		10/622,201			
	Applicant(s): <b>Gerard F. Barry, et al.</b>					
Filing Date: <b>July 18, 2003</b>		Group: <b>1638</b>				
<b>U.S. Patent Documents</b>						
Exam. Init.		Patent Number	Issue Date	Inventor Name(s)	Class/Subclass	Filing Date

<b>Foreign Patent Documents</b>						
		Doc. Number	Date	Country	Class/Subclass	Translation
<b>Other Information</b>						
	C106	Amended Answer, Affirmative Defenses and Counterclaims, as filed June 30, 2000, in <u>Monsanto Co. v. Roush</u> , 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division				
	C107	Amended Answer, Affirmative Defenses and Counterclaims, as filed December 21, 2000, in <u>Monsanto Co. v. Roush</u> , 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division				
	C108	Defendants' Supplemental Answers to Monsanto's Third Set of Interrogatories to Defendants, dated September 28, 2001, in <u>Monsanto Co. v. Roush</u> , 1:00CV0208, U.S. District Court for the Northern District of Indiana, Fort Wayne Division				

DATE CONSIDERED: \_\_\_\_\_

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.